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# Shared natural resources

## Comments and observations received from Governments and relevant intergovernmental organizations

**Addendum***

## II. Comments and observations on the questionnaire on shared resources received from the Governments of Belarus, Botswana and Finland

### A. Replies to section A

**Are there aquifers in you State that extend beyond the national boundary?**

*Belarus*

1. Belarus responded "Yes".

*Botswana*

2. Botswana responded "Yes". It shares the Kalahari and Karoo aquifers with Namibia, Zimbabwe and South Africa.

*Finland*

3. Finland reported that there are only a few transboundary groundwater areas (approximately 15) extending over the Finnish-Russian border. These areas are quite pristine, and there is no pressure to use them for public water supply. There are also some groundwater areas (approximately 20) mapped in the vicinity of the border between Finland and Norway. The area is so sparsely populated that there is no need

* The addendum contains responses received since the issuance of document A/CN.4/555, from Belarus, Botswana and Finland. The responses are organized, to the extent possible, on the basis of the questions posed by the Special Rapporteur.

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for public water supply. There are no groundwater areas at the border between Finland and Sweden.

## B. Replies to section A, question 1

**If yes, are there any arrangements or agreements with your neighbouring States on the use or management of these aquifers or for any other cooperation on them?**

*Belarus*

4. Belarus responded "Yes".

*Botswana*

5. Botswana reported that it and its neighbouring countries are signatories to the Southern African Development Community (SADC) Protocol on Shared Watercourse Systems, which was signed in August 1995, was revised in August 2000 and entered into force on 22 September 2003. This Protocol has laid down foundations for cooperation and management of cross-border aquifers.

*Finland*

6. Finland reported that there are no specific bilateral agreements on the management and use of transboundary aquifers, since the aquifers extending beyond the national border are not used for water supply. Finland has bilateral transboundary watercourse agreements with all of its neighbouring countries, but the agreements cover only surface-water issues. There are also agreements on cooperation in the field of environmental protection with the neighbouring countries. In addition, several multilateral agreements are applied, such as the 1997 United Nations Economic Commission for Europe (UNECE) Convention on Environmental Impact Assessment in a Transboundary Context, the 1992 UNECE Convention on the Protection and Use of Transboundary Watercourses and International Lakes and the 1980 European Outline Convention on Transfrontier Cooperation between Territorial Communities or Authorities.

## C. Replies to section A, question 2

**If yes, please provide with a copy of the agreements/arrangements.**

*Belarus*

7. The Government of Belarus submitted the following documents, which are available for consultation in the Codification Division of the Office of Legal Affairs of the Secretariat:

(a) Minutes of the joint meeting of representatives of the geological services of Belarus and Lithuania and the programme for groundwater monitoring in the border areas of Belarus and Lithuania (Minsk, 19-21 December 2000);

(b) Agreement on cooperation between the Ministry of Natural Resources and Environmental Protection of Belarus and the Ministry of Natural Resources of the Russian Federation (Minsk, 14 March 2000);

(c) Agreement on cooperation in the study, exploration and use of raw mineral resources (Moscow, 27 March 1997);

(d) Agreement on border cooperation in the study, development and protection of the subsoil (Minsk, 31 May 2001).

*Botswana*

8. The Government of Botswana submitted the SADC Revised Protocol on Shared Watercourse Systems, which is available for consultation in the Codification Division of the Office of Legal Affairs of the Secretariat.

## D. Replies to section A, question 3

**Are there joint bodies/mechanisms among the States concerned on the management or other cooperation on these aquifers?**

*Belarus*

9. Belarus responded "Yes" — the Intergovernmental Council of the countries of the Commonwealth of Independent States on the exploration, use and protection of the subsoil. (The statute of the Intergovernmental Council is available for consultation in the Codification Division of the Office of Legal Affairs of the Secretariat. It is an annex to the Agreement on cooperation in the study, exploration and use of raw mineral resources of 27 March 1997.)

*Botswana*

10. Botswana responded "Yes and no". Besides the SADC Protocol, there are no joint bodies/mechanisms with neighbouring States, but technically, the good working relations that exist allow Botswana to share information on request.

*Finland*

11. Finland responded "No".

## E. Replies to section A, question 4

**If yes, please provide with information describing the legal basis, role and function of the joint bodies/mechanisms.**

*Botswana*

12. Botswana reported that SADC has approved a regional strategic action plan for integrated water resources development and management. In order to implement the plan, SADC has established committees, such as the Water Resources Technical Committee and the Integrated Committee of Ministers, that meet once a year or as requested to monitor progress or guide the programme.

## F. Replies to section B

**For federated States: are there domestic aquifers in your State that extend over the boundaries of political subdivisions?**

*Botswana*

13. Botswana replied that the question was not applicable.

## G. Replies to section B, question 1[1]

**If yes, are there any arrangements or agreements among them on the use or management of such aquifers or for any other cooperation on them?**

## H. Replies to section B, question 2[1]

**If yes, please provide with similar information as described in questions A.2 to A.4.**

## I. Replies to section C[1]

**If the answer to questions A.1 and B.1 is yes, please answer the following questions on the contents of the agreements or arrangements.**

## J. Replies to section C, question 1

**Are there any provisions on the allocation of water resources?**

*Belarus*

14. Belarus responded "No".

*Botswana*

15. Botswana responded "Yes", but this applies only to the Revised Protocol on Shared Watercourse Systems: the articles on general principles and shared watercourse agreements.

## K. Replies to section C, question 2

**If yes, please describe the arrangement, how it works and whether there are any areas where improvements might be needed.**

*Botswana*

16. Botswana stated that one cannot say much about improvements that might be needed, save to underscore the importance of harmonization of laws, regulations and policies for member States in order to effectively manage transboundary natural resources, as expressed in the SADC Protocol on Shared Watercourse Systems.

[1] No replies were received specifically addressing this section of the questionnaire.

## L. Replies to section C, question 3

**If the answer to question C.1 is yes, are there any plans to revise the arrangements/agreements?**

*Botswana*

17. Botswana responded "No". The need for revision will arise once programmes are implemented and the member States realize that there are gaps and bottlenecks that need to be removed or attended to.

## M. Replies to section C, question 4

**If yes, please describe the main points to be revised (including how it is contemplated to be revised).**

*Botswana*

18. Botswana replied that the question was not applicable.

## N. Replies to section C, question 5

**Are there any provisions on the use of water resources?**

*Botswana*

19. Botswana responded "Yes".

## O. Replies to section C, question 6

**If yes, please describe the arrangement, how it works and whether there are any areas where improvements may be needed.**

*Botswana*

20. Botswana reported that this involves entering into shared watercourse agreements and, once they are in force, negotiating on usages. Most of the agreements are still new, and it would be difficult to identify areas that need improvement.

## P. Replies to section C, question 7

**If the answer to the question C.5 is yes, are there any plans to revise the arrangements/agreements?**

*Botswana*

21. Botswana responded "No".

## Q. Replies to section C, question 8

**If yes, please describe the main points to be revised (including how it is contemplated to be revised).**

*Botswana*

22. Botswana replied that the question was not applicable.

## R. Replies to section C, question 9

**Are there any provisions on the joint management/control of water resources?**

*Botswana*

23. Botswana responded "No". Currently there are no joint monitoring networks or management plans in place for transboundary aquifers.

## S. Replies to section C, question 10

**If yes, please describe the arrangement, how it works and whether there are any areas where improvements may be needed.**

*Botswana*

24. Botswana replied that the question was not applicable.

## T. Replies to section C, question 11

**If the answer to question C.9 is yes, are there any plans to revise the arrangements/agreements?**

*Botswana*

25. Botswana replied that the question was not applicable.

## U. Replies to section C, question 12

**If yes, please describe the main points to be revised (including how it is contemplated to be revised).**

*Botswana*

26. Botswana replied that the question was not applicable.